**THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**W.P.No. 13566 of 2007**
**Date: 28-06-2007**

**Between:**
P.Krishnam Raju

Petitioner

And

The Revenue Divisional Officer, Visakhapatnam and another.

Respondents

**THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**W.P.No. 13566 of 2007**

**ORDER:**

1. On the ground that land in an extent of Ac.3-30 cents situated in Survey No.292/9, Bodapalem hamlet of Vellanki Village, Anandapuram Mandal, Visakhapatnam District, was assigned in favour of an ex-serviceman who contrary to the terms of the grant had alienated it in favour of the writ petitioner, the Mandal Revenue Officer had initiated action for resumption of the said assigned land. Ultimately, he passed orders through his proceedings dated 13-11-2006 ordering for resumption of the Government land duly evicting the writ petitioner.

2. Heard the learned Assistant Government Pleader for Revenue.

3. It is not in dispute that against the orders passed by the Mandal Revenue Officer, an appeal is provided under Section 4 (A) of the A.P. Assigned Lands (Prohibition of Transfer) Act 1977 and the writ petitioner had availed the said appellate remedy by filing the appeal before the Revenue Divisional Officer, Visakhapatnam. He also moved an interlocutory application in the said appeal seeking suspension of the operation of the proceedings dated 13-11-2006 of the Mandal Revenue Officer, Anandapuram. Unless the stay application is entertained and the interim orders are granted, the petitioner faces the imminent threat of being evicted

from the land which is in his possession for a fairly long period of time. But however, the Revenue Divisional Officer has passed the orders on 10-06-2007 prima facie finding no merit in the application moved by the writ petitioner seeking stay of operation of the orders of eviction dated 13-11-2006 passed by the Mandal Revenue Officer. He has posted the appeal for further consideration to 15th June, 2007. Sri Ramachandra Raju, the learned counsel for the writ petitioner asserts that the Revenue Divisional Officer has adjourned the hearing of the appeal due to preoccupation and pressure of work.

4. It is only appropriate that the Revenue Divisional Officer, Visakhapatnam, shall decide the appeal preferred by the writ petitioner as expeditiously as possible preferably within four months from now, at any rate, before the end of October,2007 by putting the writ petitioner on notice of hearing in the matter. In the meantime since the writ petitioner is continuously in possession of the land in question over a long period of time, the Mandal Revenue Officer shall not seek to evict him from the possession of the land pursuant to his orders dated 13-11-2006.

5. With this, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

28-06-2007
Note: C.C. in three days.
B/o.
Stp